

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appellant: Siew-Hong Yang-Huffman et al. Confirmation No.: 5395  
Application Serial No.: 10/649,303  
Filed: August 27, 2003  
Title: SYSTEM AND METHOD OF NETWORK FAULT MONITORING  
Group Art Unit: 2141  
Appellee: SHINGLES, Kristie D  
Docket No.: 200310177-1

**MAIL STOP: APPEAL BRIEF-PATENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

**RESPONSE TO THE NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

Appellants hereby respond to the Notice of Non-Compliant Appeal Brief dated August 22, 2008.

**REMARKS/CONCLUSION**

In the Notice of Non-Compliant Appeal Brief dated August 22, 2008, the Examiner indicated that claim amendments filed on February 29, 2008 were not entered by the Appellee. As a result, the Notice indicated that the appeal brief filed on March 17, 2008 and the amended appeal brief filed on May 28, 2008 did not contain a correct copy of the appealed claims and failed to list the 35 USC §101 and 35 USC §112 rejections under the grounds of rejection section.

In an Advisory Action dated September 17, 2008, Appellee entered the February 29, 2008 amendments. Additionally, in the Advisory Action, Appellee withdrew the 35 USC §101 and 35 USC §112 rejections. Appellant confirmed the entry of the claim amendments in a telephone conference with the Appellee on September 18, 2008. Therefore, Appellant respectfully submits that the appeal brief filed on March 17, 2008 and the amended appeal brief filed on May 28, 2008 are in compliance with the requirements of 37 CFR §41.37. Accordingly, Appellant respectfully requests that the Notice of Non-Compliant Appeal Brief dated August 22, 2008 be withdrawn.

Although no fee is believed due, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

**/Hope C. Shimabuku/**  
Hope C. Shimabuku  
Registration No. 57,072

Date: **September 22, 2008**

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